

EEOC Form 5 (11/09)

<p style="text-align: center;"><b>CHARGE OF DISCRIMINATION</b></p> <p style="text-align: center; font-size: small;">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p> <p style="color: red; font-weight: bold; margin-top: 20px;">Received/EEOC/ATDO/2023-11-15</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 60%;"> <input type="checkbox"/> FEPA   <input checked="" type="checkbox"/> EEOC         </div> <div style="width: 35%; text-align: right;"> <p style="color: red; font-weight: bold;">410-2024-01833</p> </div> </div>
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NA <small>State or local Agency, if any</small>	C
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Name (indicate Mr., Ms., Mrs.) <b>Robert Wells (<a href="mailto:robertwells360@gmail.com">robertwells360@gmail.com</a>)</b>	Home Phone (Incl. Area Code) <b>404-922-1951</b>	<div style="background-color: black; width: 100px; height: 20px;"></div>
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Street Address <b>3450 Stonewall Tell Rd</b>	City, State and ZIP Code <b>College Park, GA. 30349</b>
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Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Be Against Me or Others. (If more than two, list under PARTICULARS below.)

Name <b>Delta Air Lines Inc.</b>	No. Employees, Members <b>500+</b>	Phone No. (Include Area Code) <b>404-</b>
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Street Address <b>1030 Delta Blvd. Atlanta GA 30320</b>	City, State and ZIP Code
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Name	No. Employees, Members	Phone No. (Include Area Code)
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Street Address	City, State and ZIP Code
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DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"><input type="checkbox"/> RACE</div> <div style="text-align: center;"><input type="checkbox"/> COLOR</div> <div style="text-align: center;"><input type="checkbox"/> SEX</div> <div style="text-align: center;"><input type="checkbox"/> RELIGION</div> <div style="text-align: center;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="text-align: center;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="text-align: center;"><input type="checkbox"/> AGE</div> <div style="text-align: center;"><input checked="" type="checkbox"/> DISABILITY</div> <div style="text-align: center;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="text-align: center;"><input type="checkbox"/> OTHER (Specify)</div> </div>	DATE(S) DISCRIMINATION TOOK PLACE <div style="display: flex; justify-content: space-between; font-size: small; margin-top: 5px;"> <span>Earliest</span> <span>Latest</span> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span><b>undetermined</b></span> <span><b>06/19/2023</b></span> </div> <div style="text-align: center; margin-top: 20px;"> <input type="checkbox"/> CONTINUING ACTION         </div>
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THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

My name is Robert Wells. For approximately 24 years, I worked for the Delta Airlines main hub at its Jackson-Hartsfield International Airport in Atlanta, GA., primarily as a ramp agent. My duties involved transferring baggage from the boarding gate to departing flights, and assisting with the weight calculation process that is necessary for flight clearance.

I have struggled with a variety of health problems beginning with a gunshot wound during an assault in 2014. In 2020, I suffered a heart attack and also contracted Covid-19. I ended up being off work for virtually the whole year. In 2021, I missed six months of work due to complications from a pulmonary embolism in my lungs. In 2022, I had a recurring embolism and was off for another six to eight months. In April 2023, I suffered a blood clot and went on medical leave again, initially scheduled until June 2023.

My prolonged periods of leave and medical absences have been the subject of negative comments from various supervisors and other personnel. I have heard comments that I am difficult to schedule because "nobody knows when you are going to be off." I have been denied routine vacation time on the grounds that I had already been out for long periods. During the last several years of frequent understaffing that began with the pandemic, I have been told that I need to draw down time under the Family Medical Leave Act in order to take vacation and personal time off.

In the early months of 2023, I learned that Delta was participating in a new program created by the

Transportation Security Administration called Rap Back (Record of Arrests and Prosecutions Back). The program as I understand it uses fingerprints to do a retrospective analysis of old arrests and criminal charges that airline employees may have received since their hiring. During February 2023, I was informed by the employee relations department that two incidents had been flagged-a 2003 event where I received a speeding ticket and because I missed a court date, my license was briefly suspended; and a 2015 occurrence, when my license was suspended because I fell behind on child support when I was not being paid regular salary when I was recovering from my gunshot wounds.

In late March 2023, I inquired about the inquiry that Delta told me they were conducting regarding my license history. On April 2, 2023, I was told that the review was continuing and that information would be presented to an internal committee consisting of various personnel compliance departments for a final determination. I heard nothing else from the process and as mentioned above, I went on leave for a blood clot in April 2023.

In June 2023, my doctor directed me to extend my leave until September 2023 and I submitted the appropriate paperwork. While waiting for the extension to be approved, I returned to duty on June 18 to make sure there was no risk of being absent without leave. The next day, June 19, I was notified that I was being terminated and later received notice from the Georgia Department of Labor that the grounds according to Delta were "security" reasons.

I believe that my chronic and ongoing medical issues were the reason I was fired. It was well known at Delta that RAP Back was being used by the company to weed out undesirable employees. I know anecdotally of persons who were found to have more significant criminal issues who were not terminated; I also believe that under Delta's normal protocols, I should have been given a chance to defend an adverse finding during any internal investigation. I believe that my termination was based on my continuing need to take time off for medical reasons, which violated my rights under the Americans with Disabilities Act and also reflects retaliation for taking periodic accommodations in the form of medical leave.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

11 / 15 / 2023

*Date*



*Charging Party Signature*

NOTARY – *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)